

FILED



12:59 pm, 8/21/23

U.S. Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

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ASHLEY WILLEY AND SEAN  
WILLEY,

Plaintiff,

vs.

Case No. 23-CV-69-S

SWEETWATER COUNTY SCHOOL  
DISTRICT #1 BOARD OF TRUSTEES,  
et al.,

Defendant.

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**ORDER ON DEFENDANTS MOTION TO FILE EXHIBITS UNDER SEAL [29]**

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Before the Court is Defendants' Motion to File Exhibits Under Seal. (ECF No. 29). Defendants seek to file certain exhibits referenced in their Motion to Dismiss under seal and filed the Motion on August 17, 2023. Within the Motion, Defendants explained they had attempted to confer with Plaintiffs before filing the Motion but had not yet received a response. Accordingly, the Court entered a Text Order on August 18, 2023, requiring Plaintiffs to respond to Defendants Motion on or before August 23, 2023. (ECF No. 21). Plaintiffs filed their Response in that time frame and stated Plaintiffs' counsel, Mary McAlister, answered the email conferral from Defense Counsel Eric Hevenor indicating the Plaintiffs had no objection before the Motion was filed. (ECF No. 32). Plaintiffs' counsel also seek attorney fees incurred from filing the response and admonishment of

Defendants' counsels conduct from the Court, arguing that Defendants made a material misrepresentation to the Court. Defendants replied on August 21, 2023, explaining Ms. McAlister's email response was quarantined by Mr. Hevenor's email server and not received until August 18, 2023. (ECF No. 33). Due to travel, Mr. Hevenor did not see the response until August 21, 2023.

#### **RULING OF THE COURT**

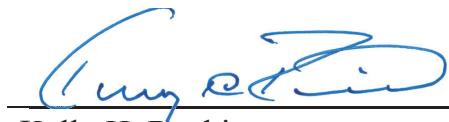
From Plaintiffs' Response, it is apparent there is no opposition to Defendants filing the referenced exhibits under seal. As such, Defendants are granted leave to file the exhibits under seal. However, that does not resolve the other issue raised in Plaintiffs' response. From Defendants Reply, it is apparent Mr. Hevenor had no reason to believe he had received a response from Ms. McAlister. The email was quarantined and not seen until after the filing of the instant Motion. Therefore, no attorney fees will be awarded to Plaintiffs.

Counsel for Plaintiffs are directed to act civilly toward opposing counsel in the future. Local Rule 84.1(a)(3) provides “[a]ttorneys shall treat each other, the opposing party, the Court and members of the court staff with courtesy and civility, and conduct themselves in a professional manner at all times.” Plaintiffs’ counsel’s statement in their response that “Defendants’ counsel’s false statement to this Court is emblematic of, and continues, defense counsel’s dilettantish, specious and ad hominem representations and arguments” is unwarranted and unacceptable decorum for a filing in this Court. Similar conduct in the future will not be tolerated.

NOW, THEREFORE, IT IS ORDERED Defendants' Motion to File Exhibits

Under Seal is GRANTED.

Dated this 21st day of August, 2023.



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Kelly H. Rankin  
United States Magistrate Judge